

17. (ONCE AMENDED) The decrypting apparatus as set forth in claim 10, wherein said changing [means] unit updates the decrypting specifications corresponding to an external command.

18. (ONCE AMENDED) The decrypting apparatus as set forth in claim 10, wherein said changing [means] unit changes the decrypting specifications corresponding to at least one of a communication path of data to be [encrypted] decrypted, a degree of security thereof, and a process speed required therefor.

23. (TWICE AMENDED) An encrypting method, comprising:
forming an encrypting circuit corresponding to given encrypting specifications with at least one programmable logic device; [and]
reading change data for changing the encrypting specifications; and
automatically changing a circuit structure of the [encrypting circuit] at least one programmable logic device corresponding to the change data without removal of the at least one programmable logic device from the encrypting circuit.

24. (TWICE AMENDED) A decrypting method, comprising:
forming a decrypting circuit corresponding to given decrypting specifications with at least one programmable logic device; [and]
reading change data for changing the decrypting specifications; and
automatically changing a circuit structure of the [decrypting circuit] at least one programmable logic device corresponding to the change data without removal of the at least one programmable logic device from the decrypting circuit.

REMARKS

This Preliminary Amendment is submitted in response to the Advisory Action mailed December 2, 1999 and to supplement the Amendment under 37 CFR § 1.116 filed November 23, 1999 in response to the final Office Action mailed August 26, 1999. In the August 26, 1999 Office Action, the Examiner noted that claims 1-25 were pending in the application, rejected claims 21 and 22 under 35 U.S.C. § 102(b) and rejected claims 1-20 and 23-25 under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patents 4,972,478 to Dabbish; 5,703,950 to

Jovanovich et al. and 5,345,508 to Lynn et al. (References G, B and E respectively) were cited.

In the Advisory Action, it was noted that the "proposed amendment(s) ... will be entered upon filing of a Notice of Appeal and an Appeal Brief" and that the "request for reconsideration has been considered but does NOT place the application in condition for allowance". However, it was not clear whether the changes to the claims in the November 23, 1999 Amendment under 37 CFR § 1.116 had been entered. Therefore, the Continued Prosecution Application (CPA) Request Transmittal submitted herewith requests that the November 23, 1999 Amendment be entered as well as this Preliminary Amendment.

Rejection under 35 U.S.C. § 103(a)

Independent claims 1, 10, 23 and 24 have been amended to emphasize that the word "automatically" (e.g. claim 1, line 6) requires that the "circuit structure of the programmable logic device" be changed "without removal from said encrypting apparatus" (e.g., claim 1, lines 7-8). In the Advisory Action, it was asserted that a "gate array" (see column 2 of Dabbish et al. '478) provides the "variable crypto core" of the device taught by Dabbish et al. '478. It is submitted that a gate array device cannot be "automatically" reprogrammed, but rather that changes to the circuit of a gate array device require removal from an encrypting or decrypting apparatus. The ability to automatically change circuit structure enables the present invention to provide the benefit of fast and flexible encryption/decryption. For the above reasons, it is submitted that claims 1, 10, 23 and 24 and claims 5, 8, 14 and 17 which depend therefrom patentably distinguish over Dabbish et al. '478.

Although claims 19, 20 and 25 have not been amended to add that the programmable logic device is not removed, these claims all recite "automatically changing a structure" of a circuit. As discussed above, it is submitted that it is impossible to automatically change structure of a programmable logic device if the programmable logic device has to be removed to have its structure changed. For the above reasons, it is submitted that claims 19, 20 and 25 patentably distinguish over Dabbish et al. '478.

The addition of Jovanovich et al. and Lynn et al. to Dabbish et al. '478 do not provide any suggestion of automatically changing circuit structure without removal from a device. Therefore, it is submitted that claims 1, 5, 8, 10, 14, 17, 19, 20 and 23-25, as well as claims 2-4, 6, 7, 9, 11-13, 15, 16 and 18 which depend from claims 1 and 10, patentably distinguish over any combination of Dabbish et al. '478, Jovanovich et al. and Lynn et al.

Summary

It is submitted that the cited references, taken individually or in combination, do not teach or suggest the present invention at least as recited in claims 1-20 and 23-25. Therefore, entry of this Preliminary Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If any further fees are required in connection with the filing of this Amendment, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

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